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**BEFORE THE
PHYSICAL THERAPY BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

YVETTE MCPHEETERS
15021 Lassen Street
Mission Hills, CA 91407

Physical Therapist Assistant License No.
AT 2380

Case No. 1D 2000 62675

A C C U S A T I O N

Respondent.

Complainant alleges:

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PARTIES

1. Steven K. Hartzell ("Complainant") brings this Accusation solely in his official capacity as the Executive Officer of the Physical Therapy Board of California, Department of Consumer Affairs.

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2. On or about December 17, 1990, the Physical Therapy Board issued Physical Therapist Assistant License Number AT 2380 to Yvette McPheeters ("Respondent"). The Physical Therapist Assistant License was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2002, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Physical Therapy Board ("Board"), under the authority of the following sections of the Business and Professions Code ("Code").

4. Section 119 of the Code states that  a person who does any of the following is guilty of a misdemeanor:

(a) Displays or causes or permits to be displayed or has in his or her possession either of the following:

(1) A canceled, revoked, suspended, or fraudulently altered license.

....

(f) Photographs, photostats, duplicates, manufactures, or in any way reproduces any license or facsimile thereof in a manner that it could be mistaken

for a valid license, or displays or has in his or her possession any such photograph, photostat, duplicate, reproduction, or facsimile unless authorized by the code.

5. Section 2630 of the Code² states:

It is unlawful for any person or persons³ to practice, or offer to practice, physical therapy in this state for compensation received or expected, or to hold himself or herself out as a physical therapist⁴, unless at the time of so doing the person holds a valid, unexpired, and unrevoked license issued under this chapter.⁵

Nothing in this section shall restrict⁶ the activities authorized by their licenses on the part of any persons licensed under this code or any initiative act, or the activities authorized to be performed pursuant to Article 4.5 (commencing with Section 2655) or Chapter 7.7 (commencing with Section 3500).⁷⁸

A physical therapist licensed pursuant⁹ to this chapter may utilized the services of one aide engaged in patient-related tasks to assist the physical therapist in his or her practice of physical therapy.¹⁰ "Patient-related task" means a physical therapy service rendered directly to the patient by an aide, excluding non-patient-related tasks. "Non-patient-related task" means a task related to observation of the patient, transport of the patient, physical support only during gait or transfer training, housekeeping duties, clerical duties, and similar functions. The aide shall at all times be under the orders, direction, and immediate supervision of the physical therapist. Nothing in this section shall authorize an aide to independently perform physical therapy or any physical therapy procedure. The board shall adopt regulations that set forth the standards and requirements for the orders, direction, and immediate supervision of an aide by a physical therapist. The physical therapist shall provide continuous and immediate supervision of the aide. The physical therapist shall be in the same facility as, and in proximity to, the location where the aide is performing patient-related tasks, and shall be readily available at all times to provide advice or instruction to the aide. When patient-related tasks are provided to a patient by an aide, the supervising physical therapist shall, at some point during the treatment day, provide direct service to the patient as treatment for the patient's condition, or to further evaluate and monitor the patient's progress, and shall correspondingly document

the patient's record.

The administration of massage,² external baths, or normal exercise not a part of a physical therapy treatment shall not be prohibited by this section.³

6. Section 2660.1 of the Code⁴ states:

A patient, client, or customer of a⁵ licensee under this chapter is conclusively presumed to be incapable of giving free, full, and informed consent to any sexual activity which is a violation of⁶ Section 726.

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FIRST CAUSE FOR DISCIPLINE

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(Displaying or Possessing a Fraudulently Altered License)



7. Respondent is subject to⁹ disciplinary action under section 119(a)(1) of the Code in that she possessed a fraudulently altered license to practice physical therapy. The circumstances are as follows:¹⁰

8. On or about September 28, 2000, Mike Reams, an employer at Locomotion Therapy Inc., telephoned the Board to verify the status of respondent's physical therapist license. According to Mr. Reams, respondent had just applied for employment with Mr. Reams's company, which provides physical therapy services, and in doing so, had presented a license indicating an expiration date of August 31, 2001. Respondent's license in fact had expired on August 31, 2000.

9. Respondent later admitted to a Board investigator and in a written statement that she had purposely altered the August 31, 2000, expiration date on her physical therapist license to read "August 31, 2001."

10. Respondent was assigned a job by Mr. Reams's company, and on or about

September 29, 2000, respondent worked as a physical therapist assistant at a facility named Windsor Gardens.

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SECOND CAUSE FOR DISCIPLINE

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(Reproducing a License So It Could Be Mistaken as a Valid License)

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11. Respondent is subject to disciplinary action under section 119(f) of the Code in that she reproduced a license in a manner that it could be mistaken for a valid license. The circumstances are as follows:

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12. The facts and circumstances set forth in paragraphs 8, 9, and 10 are incorporated herein as if set forth in full.

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THIRD CAUSE FOR DISCIPLINE

(Practicing or Holding Self out as Physical Therapist Without Valid License)

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13. Respondent is subject to disciplinary action under section 2630 of the Code in that she practiced physical therapy and held herself out as a physical therapist without a valid license. The circumstances are as follows:

14. The facts and circumstances set forth in paragraphs 8, 9, and 10 are

incorporated herein as if set forth in full.

FOURTH CAUSE FOR DISCIPLINE

(Fraudulent, Dishonest, or Corrupt Act)

15. Respondent is subject to disciplinary action under section 2660(1) of the Code in that she committed a fraudulent, dishonest, or corrupt act by altering her license, presenting the altered license to an employer, and practicing physical therapy and holding herself out as a physical therapist without a

valid license. The circumstances are as follows:

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16. The facts and circumstances set forth in paragraphs 8,9, and 10 are incorporated herein as if set forth in full.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Physical Therapy

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Board issue a decision:

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1. Revoking or suspending Physical Therapist Assistant License Number AT 2380, issued to Yvette McPheeters;

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2. Ordering Yvette McPheeters to pay the Physical Therapy Board the reasonable costs of the investigation and enforcement of this case,

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pursuant to Business and Professions Code section 2661.5;

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3. Taking such other and further action as deemed necessary and proper.

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DATED: September 25, 2001

Original signed by Steven K. Hartzell

STEVEN K. HARTZELL

Executive Officer

Physical Therapy Board of California

Department of Consumer Affairs

State of California

Complainant